

# HOUSE BILL No. 1065

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-13-6-5.5; IC 31-37-17-7.

**Synopsis:** Notice of release of juvenile sex offender. Provides procedures for the department of correction to notify the victim of a sex offense (or the victim's representative) of the discharge, release, or escape of the delinquent offender from the department of correction. Makes related changes.

**Effective:** July 1, 2001.

**Stilwell**

January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1065

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-13-6-5.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 5.5. (a) This section shall not be construed to limit**  
4 **victim's rights granted by IC 35-40 or any other law.**

5       **(b) As used in this section, "sex offense" refers to a sex offense**  
6 **described in IC 5-2-12-4(1).**

7       **(c) As used in this section, "victim" means a person who has**  
8 **suffered direct harm as a result of a delinquent act that would be**  
9 **a sex offense if the delinquent offender were an adult. The term**  
10 **includes a victim's representative appointed under IC 35-40-13.**

11       **(d) Unless a victim has requested in writing not to be notified,**  
12 **the department shall notify the victim involved in the adjudication**  
13 **of a delinquent offender committed to the department for a sex**  
14 **offense of the delinquent offender's:**

15               **(1) discharge from the department of correction;**

16               **(2) release from the department of correction under any**  
17 **temporary release program administered by the department;**



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- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.



1           **(2) The date of the delinquent act.**

2           **(3) The date of the adjudication as a delinquent offender.**

3           **(4) The delinquent act of which the delinquent offender was**  
 4           **adjudicated.**

5           **(5) The disposition imposed.**

6           **(6) The amount of time for which the delinquent offender was**  
 7           **committed to the department.**

8           **(7) The date and location of the interview (if applicable).**

9           SECTION 2. IC 31-37-17-7 IS ADDED TO THE INDIANA CODE  
 10          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11          1, 2001]: **Sec. 7. (a) This section shall not be construed to limit**  
 12          **victim's rights granted by IC 35-40 or any other law.**

13          **(b) In the case of a child who commits a delinquent act that**  
 14          **would be a sex offense (as defined in IC 11-13-6-5.5(b)) if the child**  
 15          **were an adult, the person preparing the predispositional report**  
 16          **under section 1 of this chapter shall, before the predispositional**  
 17          **report is prepared, notify each victim (as defined in IC 11-13-6-5.5)**  
 18          **in the proceeding of the victim's rights under IC 11-13-6-5.5 and**  
 19          **the procedures related to the exercises of those rights.**

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